

Remember, all of that information was based upon no probable cause warrant issued by a real judge.

We are getting ready to reauthorize, maybe, FISA, the Foreign Intelligence Surveillance Act. Before we do that, we need to protect Americans' right of privacy. It is in a section called 702. It really gets down in the weeds. 702 has been abused by government to seize American information and then keep it forever. Government then peruses that, based upon their high-tech guys in the NSA, to see if crimes were committed or not. They have no warrant, no probable cause, nobody sworn to the warrant.

I used to be a judge. I signed lots of probable cause warrants. But here it is just seized because government says: Well, we have got it because we were looking for a terrorist and it is an incidental search, and we want to keep it.

That is a violation of the Constitution. We should make sure Americans' right of privacy is protected before we reauthorize FISA.

Mr. Speaker, I include in the RECORD this article, "Secret Court Rebukes NSA for 5-Year Illegal Surveillance of U.S. Citizens," to illustrate.

SECRET COURT REBUKES NSA FOR 5-YEAR
ILLEGAL SURVEILLANCE OF U.S. CITIZENS
(By Tim Johnson)

WASHINGTON.—U.S. intelligence agencies conducted illegal surveillance on American citizens over a five-year period, a practice that earned them a sharp rebuke from a secret court that called the matter a "very serious" constitutional issue.

The criticism is in a lengthy secret ruling that lays bare some of the frictions between the Foreign Intelligence Surveillance Court and U.S. intelligence agencies obligated to obtain the court's approval for surveillance activities.

The ruling, dated April 26 and bearing the label "top secret," was obtained and published Thursday by the news site Circa.

It is rare that such rulings see the light of day, and the lengthy unraveling of issues in the 99-page document opens a window on how the secret federal court oversees surveillance activities and seeks to curtail those that it deems overstep legal authority.

The document, signed by Judge Rosemary M. Collyer, said the court had learned in a notice filed Oct. 26, 2016, that National Security Agency analysts had been conducting prohibited queries of databases "with much greater frequency than had previously been disclosed to the court."

It said a judge chastised the NSA's inspector general and Office of Compliance for Operations for an "institutional 'lack of candor'" for failing to inform the court. It described the matter as "a very serious Fourth Amendment issue."

The Fourth Amendment protects people from unreasonable searches and seizures by the government, and is a constitutional bedrock protection against intrusion.

Parts of the ruling were redacted, including sections that give an indication of the extent of the illegal surveillance, which the NSA told the court in a Jan. 3 notice was partly the fault of "human error" and "system design issues" rather than intentional illegal searches.

The NSA inspector general's office tallied up the number of prohibited searches conducted in a three-month period in 2015, but the number of analysts who made the

searches and the number of queries were blacked out in the ruling.

The NSA gathers communications in ways known as "upstream" and "downstream" collection. Upstream collection occurs when data are captured as they move through massive data highways—the internet backbone—within the United States. Downstream collection occurs as data move outside the country along fiber optic cables and satellite links.

Data captured from both upstream and downstream sources are stored in massive databases, available to be searched when analysts need to, often months or as much as two years after the captures took place.

The prohibited searches the court mentioned involved NSA queries into the upstream databanks, which constitute a fraction of all the data NSA captures around the globe but are more likely to contain the emails and phone calls of people in the United States.

Federal law empowers the NSA and CIA to battle foreign terrorist actions against the United States by collecting the electronic communications of targets believed to be outside the country. While communications of U.S. citizens or residents may get hoovered up in such sweeps, they are considered "incidental" and must be "minimized"—removing the identities of Americans—before broader distribution.

The court filing noted an NSA decision March 30 to narrow collection of "upstream" data within the United States. Under that decision, the NSA acknowledged that it had erred in sweeping up the communications of U.S. citizens or residents but said those errors "were not willful." Even so, the NSA said it would no longer collect certain kinds of data known as "about" communications, in which a U.S. citizen was merely mentioned.

The NSA announced that change publicly on April 28, two days after the court ruling, saying the agency would limit its sweeps to communications either directly to or from a foreign intelligence target. That change would reduce "the likelihood that NSA will acquire communications of U.S. persons or others who are not in direct contact with one of the agency's foreign intelligence targets."

The court document also criticized the FBI's distribution of intelligence data, saying it had disclosed raw surveillance data to sectors of its bureaucracy "largely staffed by private contractors."

The "contractors had access to raw FISA information that went well beyond what was necessary to respond to the FBI's requests," it said, adding that the bureau discontinued the practice on April 18, 2016.

Mr. POE of Texas. Mr. Speaker, we must remember history. We must not abuse the Fourth Amendment. It is Congress' responsibility to protect the natural right of citizens' right of privacy. Get a warrant or don't make the search.

And that is just the way it is.

LIMIT PRESIDENTIAL PARDON

The SPEAKER pro tempore. The Chair recognizes the gentleman from Tennessee (Mr. COHEN) for 5 minutes.

Mr. COHEN. Mr. Speaker, I rise today in support of a constitutional amendment I have introduced today to prevent the President of the United States, or any future President of the United States, from pardoning himself or herself, members of their family, members of their administration, or

members of their Presidential campaign.

Monday's indictment of President Trump's campaign chairman, Paul Manafort, and guilty plea of another campaign staff member demonstrate how important it is for Congress to act.

The pardon power is supposed to be a safety valve against injustice, a vestige from when we were part of Britain and the King had this power. We are no longer part of Britain, and that power should not be as complete as it is. It is not supposed to be a way for Presidents to put themselves, their families, and members of their administration and their campaign team above the law, to obstruct justice if there is an investigation of wrongdoing.

Unless we change the Constitution, this is how it can be used and may be used. We should stop this conflict of interest from ever arising.

There are already serious questions swirling around the current President, his family, and members of his administration and his campaign staff, including possible collusion with Russia during the 2016 Presidential election currently being investigated by special counsel Robert Mueller. To ensure that everyone is treated equally under the law, we need to amend the Constitution to narrow the scope of the pardon power.

For some who may say this is only because of the current President, I would say: I objected to the pardon of the brother of a President in the past; in 1977, I proposed changing the pardon power in Tennessee through a constitutional convention item that would have said four Supreme Court Justices could disapprove of a gubernatorial pardon; and I also proposed in 2007, in this Congress, a change in the pardon power with the Supreme Court of our United States where a vote of six members could veto a pardon.

The pardon power is a vestige of a day gone by. It is not something that we should have complete and total ability of the President to use to pardon whomever and whatever he pleases and to obstruct justice.

I ask my fellow Members to join me in this amendment to protect America, to see that our Constitution is current and reflects our values, and to not be complicit in any activities that this President may use with the pardon power to free up wrongdoers.

CONGRATULATING EISENHOWER MEMORIAL COMMISSION

The SPEAKER pro tempore. The Chair recognizes the gentleman from Kansas (Mr. MARSHALL) for 5 minutes.

Mr. MARSHALL. Mr. Speaker, growing up in Kansas, I had many opportunities to visit the Dwight D. Eisenhower Presidential Library, Museum and Boyhood Home.

Some of my greatest memories go back to visiting Ike: on my 10th birthday, my entire family drove up to Abilene, Kansas, to visit the museum, and,

later on, in Rotary, multiple opportunities to go to the museum and to his library and honor Ike.

But, perhaps, the greatest memory I had was when my father was allowed to represent Kansas in Ike's color guard during his funeral procession from Washington, D.C., to Abilene, Kansas.

Like many fellow Kansans, I found Ike's devotion to public service, his leadership, and his integrity to be inspiring, both in his role as Supreme Allied Commander during World War II and during his time as the 34th President of the United States.

In October of 1999, this Congress recognized the significance of General Eisenhower to the United States and passed legislation directing the construction of a national memorial in his honor. This week, this very week, this Friday, the Eisenhower Memorial Commission will finally break ground on the construction of this memorial to commemorate the favorite son of Kansas here in our Nation's Capital.

I want to congratulate and thank several other Kansan legends who are a part of this commission—Senator Bob Dole, Senator PAT ROBERTS, and Senator Nancy Kassebaum—for their work on achieving this milestone, and we look forward to sharing Ike's legacy with generations to come.

PREMATURITY AWARENESS MONTH

Mr. MARSHALL. Mr. Speaker, November is Prematurity Awareness Month, and I rise today to discuss the fight to prevent premature births.

I remember my very first night alone at Bayfront Medical Center as a second year OB/GYN resident when I was summoned to the labor and delivery unit at 2 in the morning. There, I found a young lady who never had prenatal care, who literally was bleeding to death as her placenta was tearing away from her uterus. As we rushed her back to the operating room, I did a quick sonogram to figure out if these babies were viable. Just glancing at her, she looked like she was 22 or 23 weeks along. I quickly saw that not only was there one baby in this uterus, but there were two babies. Though we got the babies out in less than 30 seconds, both of those babies perished from their extreme prematurity.

That has been 25 or 30 years ago, Mr. Speaker, and to this day prematurity is still the number one cause of death for infants. One out of ten babies are still born premature, and one out of three of those still die. Though we have done a great job in treating these premature babies, we have done very little to lower the incidence of premature births.

That is why I rise today: to recognize this problem, and to tell everyone that the most important step you can do to prevent premature birth is early prenatal care. That is why, wherever I have been, whether it was a residency in St. Petersburg, Florida, or delivering babies in Great Bend, Kansas, I made sure that every patient, regardless of their ability to pay, had early

access to prenatal care early on in their pregnancy that hopefully identified the risk that might lead to premature birth.

NATIONAL VETERANS SMALL BUSINESS WEEK

Mr. MARSHALL. Mr. Speaker, this week is National Veterans Small Business Week, so I rise today to acknowledge the contribution that these folks have given not only in their service to our country, but also to their communities and businesses.

Veterans bring a unique perspective to entrepreneurship, taking the leadership skills that they developed during their military careers and applying it to starting and growing a business. Nearly 1 in every 10 businesses in this country is owned by a veteran, creating annual sales of over \$1 trillion each year and employing over 5 million Americans across the country.

Veteran-owned businesses are a pillar of our economy. I applaud the success of these veteran entrepreneurs, both in Kansas and across the country, and ask my colleagues to join me in celebrating National Veterans Small Business Week.

Mr. Speaker, there are so many veteran businesses I can honor today, but here are just a few of them listed from our own Fort Riley area, Junction City: Tim's Auto Sales, Godfrey's Shooting Range, Coyotes Saloon, Disabled American Veterans Engraving Service, Donnerson Mobile Gaming, Mastercut Lawn and Landscape, Rainbow International, The Veteran Woman, JC CrossFit, 360 Kayaking, Fitzgerald's Gunsmithing, and Studio Pink Candy Boutique.

Mr. Speaker, those are just but a few of the veteran-led businesses in my own district, and we are so proud of them and salute them on this week.

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OUR ECONOMY IS GROWING

The SPEAKER pro tempore. The Chair recognizes the gentleman from Pennsylvania (Mr. FITZPATRICK) for 5 minutes.

Mr. FITZPATRICK. Mr. Speaker, several economic indicators show us that our economy is growing: the unemployment rate is down, the stock market is up, consumer confidence is at its highest level in over a decade, and businesses are starting to invest in their future again. However, we cannot rest on this short-term snapshot.

For too long, top-down policies from Washington have built a system that is based on protecting the status quo rather than helping small businesses and middle class families. We need to embrace a governing vision that advances the American Dream and puts jobs and economic growth above the partisanship that too often divides us, and this starts with tax reform.

If this Congress is serious about standing up for middle class families and unleashing the power of the American economy, tax reform is the nat-

ural starting point. The model is straightforward. We need to simplify the ridiculously complex Internal Revenue Code, eliminate the loopholes that allow corporations and individuals to avoid paying their fair share, lower the rates for middle class families and for small businesses, and to broaden the tax base. We have the chance to make real, lasting changes to our broken and bloated tax system, and we need to act now.

As a CPA and a member of the Small Business Committee and as a concerned taxpayer, I am committed to fighting for real tax reform based on three core principles: encouraging growth, simplifying the Tax Code itself, and increasing service for the taxpayers. The time is now to act.

RECOGNIZING BILL PEZZA

Mr. FITZPATRICK. Mr. Speaker, earlier this year, Bristol Borough won the Small Business Revolution, earning the borough a \$500,000 grant to revitalize the community through small business development and entrepreneurship.

Integral to this effort was Mr. Bill Pezza, an individual who defines everything that is great about Bucks County and everything that is great about Bristol Borough.

Bill is a lifelong resident of Bristol, and his love for his hometown shines through in everything he does. He has served the community as an educator on the Bristol Borough Council, as a member of the school board, and as a community activist.

He has championed local businesses, creating an organization called Raising the Bar, a program which brought community leaders and business owners together to support the local Bristol Borough economy. Focused on development and community preservation, he continues to find new ways to serve the Bristol Borough community today.

Bill would be the first one to tell you that the many recognitions he has earned throughout the years belong to the community and not just to him, which is a true sign of his character. However, Mr. Speaker, it is my honor to recognize Bill today for being named Person of the Year at this year's Bristol Fall Classic.

I am deeply grateful to Bill for the positive impact on our community, and I congratulate him, his wife, Karen, and his entire family for this much-deserved recognition.

RECESS

The SPEAKER pro tempore. Pursuant to clause 12(a) of rule I, the Chair declares the House in recess until 2 p.m. today.

Accordingly (at 12 o'clock and 19 minutes p.m.), the House stood in recess.